



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Administrative Order #05-05
Health Care Authority – Public Employee Benefits Board

☐ Permanent Rule
☒ Emergency Rule

Effective date of rule:

Permanent Rules

☐ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

☐ Immediately upon filing.
☒ Later (specify) 01-01-06

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: The purpose of this emergency rule is to amend WAC 182-12-116 to limit participation in the Public Employees' Benefits Board (PEBB) medical flexible spending account (FSA) plan to PEBB-eligible employees of the State Board for Community and Technical Colleges, the state four year institutions of higher education, and the state community and technical colleges. The Health Care Authority (HCA) is not able to expand the FSA plan eligibility to state agency employees or the Higher Education Coordinating (HEC) Board until after a new state payroll system has been implemented. This amendment also clarifies that the effective date for the rule's expansion of FSA plan coverage is January 1, 2006.

Citation of existing rules affected by this order:

Repealed:
Amended: WAC 182-12-116
Suspended:

Statutory authority for adoption: RCW 41.05.160

Other authority : RCW 41.05.123

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR _____ on _____ (date).

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☒ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

The PEBB medical flexible spending account program cannot be implemented for state agency employees because of state payroll system limitations. Therefore, the rule needs to be amended by emergency rule so the HCA can administer the program in compliance with federal tax code requirements for administration of medical flexible spending accounts.

Date adopted: December 21, 2005

NAME (TYPE OR PRINT)
Pete Cutler

SIGNATURE

TITLE
Rules Coordinator

CODE REVISER USE ONLY

Information input by Agency

**CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED
December 21, 2005**

**TIME 12:19 p.m.
WSR 06-02-001**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>1</u>	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending Order 05-01, filed 7/27/05, effective 8/27/05)

WAC 182-12-116 Who is eligible to participate in the PEBB flexible spending account ((~~program~~)) plan? ((~~State agency employees, including those employed by~~)) Beginning January 1, 2006, all ((~~state~~)) employees of public four-year institutions of higher education ((~~institutions~~)), of state community and technical colleges and of the ((~~higher education coordinating board, and the~~)) state board for community and technical colleges((~~7~~)) who are eligible for PEBB insurance benefits, as defined in WAC 182-12-115, are eligible to participate in the PEBB medical flexible spending account ((~~program~~)) plan.